

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK

4 -----X

5 PAVLE ZIVKOVIC,

Plaintiff,

Case No.:

6 v.

1:22-cv-07344 (GHW)

7 VALBELLA AT THE PARK, LLC,

8 Defendant.

9 -----x

10 Zoom Video Conference

11 February 8, 2023

12 11:08 a.m.

13
14
15 EXAMINATION BEFORE TRIAL of ROSEY KALAYJIAN, the
16 Plaintiff in the above-entitled action, held via Zoom Video
17 Conference taken before ELIZABETH SANTOS, a Notary Public of
18 the State of New York, pursuant to order and stipulations
19 between Counsel.
20
21
22
23
24
25

1

2 A P P E A R A N C E S:

3 JOSEPH & KIRSCHENBAUM, LLP

4 Attorneys for Plaintiff

5 32 Broadway, Suite 601

6 New York, New York 10004

7 BY: JOSEF NUSSBAUM, ESQ.

8

9 LAW OFFICES OF FRED SEEMAN

10 Attorneys for Defendant

11 32 Broadway, Suite 1214

12 New York, New York 10004

13 BY: FRED SEEMAN, ESQ.

14

15

16

17

18

19

20 Also present: Lucas Buzzard (Kirschenbaum, Sitting In)

Pavle Zivkovic (Plaintiff, Sitting In)

21

22

23

24

25

1 ROSEY KALAYJIAN

2 R O S E Y K A L Y A J I A N ,

3 having first been duly sworn by Elizabeth Santos, a Notary
4 Public of the State of New York, was examined and testified
5 as follows:

6 EXAMINATION BY

7 MR. NUSSBAUM:

8 COURT REPORTER: Please state your name
9 for the record.

10 THE WITNESS: Rosey Kalayjian.

11 COURT REPORTER: What is your present
12 address?

13 THE WITNESS: 56 Oak Grove Road, South
14 Hampton, private house, New York 11968.

15 Q. Good morning. My name is Joseph Nussbaum
16 and I represent Plaintiff, Zivkovic in this matter
17 which is a case against Valbella At The Park, LLC.

18 Do you understand that?

19 A. Yes.

20 Q. How do you pronounce your last name?

21 A. Kalayjian.

22 Q. Thank you for coming in today, Ms.
23 Kalayjian.

24 Have you ever testified at a
25 deposition before?

ROSEY KALAYJIAN

A. Yes.

Q. Where do you currently work?

A. At Valbella At The Park.

Q. How long have you worked there?

A. Since February 2022.

Q. Do you have any other jobs?

A. No.

Q. How many hours a week do you typically work at Valbella At The Park?

A. It varies.

Q. What's the range?

A. Approximately we work from 30 to 40, 50 -- it varies, I can't say exactly.

Q. Do you have a title at the restaurant?

A. I do.

Q. What is it?

A. Director of operations.

Q. Have you always had that title?

A. Since inception.

Q. When is inception for Valbella At The Park; when was inception?

A. The day we opened the doors, March 3rd.

Q. March 3, 2022, was the first day Valbella At The Park was open?

ROSEY KALAYJIAN

A. March 3rd or 4th.

Q. Where did you work before Valbella At The Park?

A. I worked at One If By Land Restaurant. I worked at Valbella Midtown part time. I worked in a restaurant in Larchmont. I had numerous jobs.

Q. And now you only have one job?

A. Correct.

Q. What did you do at One If By Land?

A. I was accounts payable, operations.

Q. How long did you work there for?

A. Five years.

Q. Who hired you?

A. Zef, our partner. There's three partners.

Q. When you say our partner, who's our?

A. David, Zef and Vero (Phonetic.) There's three partners. So David is my other half, my life partner, his business partner, they hired me.

Q. You said David, Zef and Vero hired you?

A. Correct.

Q. How do you spell Zef?

A. Z-E-F.

Q. Why did you leave One If By Land?

A. To open up Valbella At The Park.

1 ROSEY KALAYJIAN

2 Q. When you worked there and you were doing
3 things like accounts payable, where did you actually
4 physically work from?

5 A. 17 Bryant Street. (Phonetic.)

6 Q. Is that the restaurant's address?

7 A. Correct.

8 Q. And is there an office there?

9 A. Yes.

10 Q. So you worked out of the office?

11 A. I did.

12 Q. And then for Valbella Midtown, what were
13 you doing there?

14 A. I did hostessing part time. I worked from
15 home with some marketing materials.

16 Q. What else?

17 A. That's about it.

18 Q. How many hours a week were you typically
19 working at Valbella Midtown?

20 A. It varies. It varied. I worked from 20,
21 30. I don't know exactly.

22 Q. Is that 20 to 30 typically?

23 A. Mm-hmm.

24 Q. When you worked for One If By Land, how
25 many hours did you typically work per week?

1 ROSEY KALAYJIAN

2 A. Twenty, 30, 40. It varied. I didn't have
3 set hours. My position doesn't have set hours.

4 Q. Were there times during the time that you
5 worked at One If By Land and Valbella Midtown that
6 you were working 60 or more hours a week?

7 A. At times I could. Between the two, yes.

8 Q. When were you first -- withdrawn.

9 When did you first start working at
10 Valbella Midtown?

11 A. When Meat Packing closed. So part time,
12 '20, '19, '2020. I do not remember exactly when I
13 started.

14 Q. But prior to working for Valbella Midtown,
15 you worked at Valbella Meat Packing?

16 A. Correct.

17 Q. When Meat Packing closed, you went to work
18 at Valbella Midtown?

19 A. Part time.

20 Q. Who hired you to work at --

21 A. I don't recall the timeline.

22 Q. Who hired you to work at Valbella Midtown?

23 A. One of the managers. Adrianna, I think
24 her name was. Adrianna. Of course, David asked if
25 I wanted to work, but it was up to me. But Adrianna

1 ROSEY KALAYJIAN

2 R O S E Y K A L A Y J I A N , called as a
3 witness, having been first duly sworn by a
4 Notary Public of the State of New York, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. NUSSBAUM:

8 Q. Please state your name for the
9 record.

10 A. Rosey Kalayjian.

11 MR. NUSSBAUM: I just want to say
12 before we commence the questioning, for
13 the record, it's 12:19 now or 12:17, the
14 Plaintiff has only put in maybe roughly
15 20 minutes of questioning. I want that
16 to be clear for the record even though
17 we did have an 11 o'clock start time, we
18 did run into technical issues with the
19 court reporter.

20 Q. I asked you before if you lived
21 with Mr. Ghatanfard. You lived with him,
22 correct?

23 A. Yes.

24 Q. Where do you live?

25 A. I live in Southhampton. And I live

1 ROSEY KALAYJIAN

2 in Westchester.

3 Q. Okay. What is your address in
4 Westchester?

5 A. 1133 Warburton Avenue in Yonkers,
6 New York.

7 Q. Okay. How long have you lived
8 there for?

9 A. Two years, approximately.

10 Q. Okay. And Mr. Ghatanfard lives at
11 both addresses, correct?

12 A. We do, yes.

13 Q. And I just want to make sure I
14 understand your testimony. When did you
15 first find out that he had a judgment against
16 him?

17 A. I don't recall the date or time.

18 Q. Do you remember what month it was?

19 A. I do not.

20 Q. Was it in the last three months or
21 before that?

22 A. I don't remember.

23 Q. Do you know when the trial took
24 place against Valbella Meatpacking?

25 A. Last year, I believe.

1 ROSEY KALAYJIAN

2 A. It's my business. I work there.

3 Q. How long has it been your business?

4 A. I'm sorry.

5 Q. How long has it been your business
6 for?

7 A. Since inception.

8 Q. Okay. What does the director of
9 operations do at Valbella?

10 A. I form the company; I handle
11 everything from insurance policies, every
12 facet of the business is in my wheelhouse.

13 Q. Are there any facets of the
14 business that aren't in your wheelhouse?

15 A. Some.

16 Q. Like what?

17 A. Kitchen.

18 Q. What else?

19 A. I don't remember right now.

20 Q. How often are you in the
21 restaurant?

22 A. Daily.

23 Q. Seven days a week?

24 A. Six. Sometimes -- it varies, every
25 week varies.

1 ROSEY KALAYJIAN

2 Q. Okay. What would be the day that
3 you take off if you were going to take a day
4 off?

5 A. Sunday.

6 Q. Okay. So you are familiar with
7 everything that goes on at Valbella At The
8 Park, correct?

9 A. Most.

10 Q. You are there every day or almost
11 every day, right?

12 A. Almost.

13 Q. You know the staff there?

14 A. I do.

15 Q. Do you know everything about the
16 operations of the restaurant?

17 A. I do.

18 Q. Okay. You know about hiring
19 employees at the restaurant?

20 A. Yes. When it comes to that, yes.

21 Q. Do you know about terminating
22 employees at the restaurant?

23 A. Yes.

24 Q. All right. You are familiar with
25 how people can get a job at Valbella At The

1 ROSEY KALAYJIAN

2 Park?

3 A. Yes.

4 Q. You are familiar with the website
5 that the restaurant has?

6 A. Yes.

7 Q. You know who set up the website and
8 who constructed it for the restaurant?

9 A. Yes, yes, I do.

10 Q. What about the restaurant social
11 media, are you familiar with that as well?

12 A. Yes.

13 Q. And you know the person who is
14 responsible for that?

15 A. Yes.

16 Q. Are you familiar with the duties of
17 all employees at the restaurant?

18 A. Yes.

19 Q. Who is responsible for the
20 restaurant finances?

21 A. I am.

22 Q. Is the restaurant profitable?

23 MR. SEEMAN: Objection.

24 A. I don't know right now.

25 Q. If you are the one responsible for

1 ROSEY KALAYJIAN

2 logos?

3 A. I did with my partner.

4 Q. Who is your partner?

5 A. Robert Deleo.

6 Q. So you chose the logos for Valbella
7 At The Park, is that your testimony?

8 A. I did.

9 Q. Okay. How did you choose them,
10 what was the process of choosing them with?

11 A. My printer, I picked the font. We
12 went back and forth with the font.

13 Q. Okay. Isn't it true that the V in
14 the logo you described earlier is the
15 identical logo used at Valbella at the Park?

16 A. Yes, so.

17 Q. The scripted Valbella that you
18 testified outside the Valbella At The Park is
19 the same scripted Valbella, the same as
20 Valbella Midtown; is that correct?

21 A. Yes.

22 Q. When did you first meet David
23 Ghatanfard?

24 MR. SEEMAN: Objection.

25 A. I don't recall the exact year.

1 ROSEY KALAYJIAN

2 Q. Was it more than 15 years ago?

3 A. Yes.

4 Q. Was it more than 20 years ago?

5 A. Approximately 20 years. I don't
6 recall.

7 Q. Where did you first meet him?

8 MR. SEEMAN: Objection.

9 A. In Connecticut.

10 Q. In the restaurant there in
11 Valbella?

12 A. Greenwich Connecticut, yes.

13 Q. In the Valbella restaurant in
14 Connecticut?

15 A. Yes.

16 Q. Were you a patron or were you
17 working there?

18 A. Both.

19 Q. What was your job there?

20 A. I was a hostess, coat check hostess
21 part-time.

22 Q. Okay. Do you remember what years
23 you worked there?

24 A. I don't recall.

25 Q. I just want to be clear, this is

1 ROSEY KALAYJIAN

2 the fourth Valbella restaurant you are
3 working at, right?

4 A. Four?

5 Q. Right.

6 A. Yes.

7 Q. All four of them have been
8 partially owned by David Ghatanfard, correct?

9 A. Correct.

10 Q. And you said you now live with
11 Mr. Ghatanfard when did you move in with him?

12 A. I don't recall the year.

13 Q. Was it more or less than ten years
14 ago?

15 A. I don't recall. I believe more. I
16 don't recall.

17 Q. Okay. Would you describe yourself
18 as his girlfriend?

19 A. More than, yes.

20 MR. SEEMAN: Objection.

21 A. Titles are irrelevant so.

22 MR. SEEMAN: Objection.

23 Q. Are you married to him?

24 A. No.

25 Q. Is there any specific reason why

1 ROSEY KALAYJIAN

2 proceeds of the sale?

3 A. I do not.

4 Q. Okay. How much do you make as
5 director of operations at Valbella?

6 A. Approximately 100,000.

7 Q. And you are paid weekly or
8 otherwise?

9 A. Weekly.

10 Q. Do you know why -- I'm sorry to
11 jump back. Do you know why Mr. Ghatanfard
12 sold his house at 9 Canterbury?

13 MR. SEEMAN: Objection.

14 A. I do.

15 Q. Why did he sell it?

16 A. It was too big for us.

17 Q. Okay. And so after he sold it
18 where did you move to?

19 A. We moved to our home in
20 Long Island, in Southhampton.

21 Q. Okay. And you also have another
22 apartment you said in Yonkers?

23 A. We rent an apartment closer to
24 work. Closer to the City, a couple of days a
25 week, we stay there go back and forth.

1 ROSEY KALAYJIAN

2 Q. How much time would you say you
3 spend at the house in Southhampton?

4 A. Four, five days.

5 Q. Four, five days a week?

6 A. It varies, yes. It varies.

7 Q. What is the range?

8 A. It varies every week.

9 Q. On a typical week how many flights
10 do you sleep in the house in Southhampton?

11 A. Three, four, it varies.

12 Q. Okay. And on the other nights
13 would you sleep at the apartment in Yonkers?

14 A. If possible.

15 Q. How do you get back and forth from
16 the Southhampton house to work?

17 A. Car.

18 Q. How long is the drive typically?

19 A. Hour, hour and a half,
20 approximately. It varies.

21 Q. Are there days that you drive in
22 from Southhampton in the morning and drive
23 back after work for the evening?

24 A. Sometimes.

25 Q. Is that typically what you do or

1 ROSEY KALAYJIAN

2 that would be unusual?

3 A. No, sometimes every week is
4 different.

5 Q. I mean you testified earlier you
6 were in the restaurant six or seven days a
7 week, right?

8 A. I said it varies sometimes.
9 Sometimes I can work from home.

10 Q. How often do you work from home?

11 A. It varies every week.

12 Q. Who signs the lease for the
13 apartment in Yonkers?

14 A. David and I.

15 Q. You both signed it?

16 A. We did. We had to.

17 Q. How much is the rent?

18 MR. SEEMAN: Objection.

19 A. I don't remember.

20 Q. Who pays it?

21 A. I do, but it's on, like, auto pay.

22 Q. Okay. And you said you don't
23 remember how much it's for?

24 A. Not now.

25 Q. David added you to the deed of the

1 ROSEY KALAYJIAN

2 A. The lawyer called me. I had to go
3 to sign the papers at his office.

4 Q. Which lawyer?

5 A. I don't remember his last name. I
6 just remember his first name.

7 Q. So, did David tell you anything
8 about adding you to the deed?

9 A. No, the lawyer called me.

10 Q. Do you know how much the house is
11 worth?

12 A. Right now, no.

13 MR. NUSSBAUM: Objection.

14 Q. Do you know if it's worth more or
15 less than \$3 million?

16 A. I have no idea.

17 Q. Do you know what the lawyers first
18 name was who called you to add you to the
19 deed?

20 A. I do.

21 Q. What was their name?

22 A. I just told you I did. Michael.

23 Q. But you don't remember his last
24 name?

25 A. I do not.

1 ROSEY KALAYJIAN

2 Q. Okay. Are you concerned at all by
3 being added to the deed you are incurring
4 some sort of liability?

5 A. No.

6 Q. Do you know if there's a mortgage
7 on the house?

8 A. Yes.

9 Q. You do know?

10 A. Yes.

11 Q. How did you find out there's a
12 mortgage on the house?

13 A. Because I pay into it.

14 Q. But that doesn't answer. How did
15 you find out about it?

16 MR. SEEMAN: Objection. Objection
17 withdrawn. Go ahead and answer, please.

18 A. Bills come to the house. Bills
19 come to my home.

20 Q. That's how you found out the house
21 was refinanced because of the bills that
22 come to the home?

23 A. Yes.

24 Q. Okay. Wasn't there a mortgage
25 before the house was refinanced?

1 ROSEY KALAYJIAN

2 MR. SEEMAN: Both the rental and
3 the house in Southhampton or all
4 together, Counsel?

5 MR. NUSSBAUM: Household expenses,
6 they live together, who pays for their
7 things.

8 A. We both do.

9 MR. NUSSBAUM: I will withdraw and
10 ask again.

11 Q. Do you guys have expenses, you and
12 David?

13 A. Of course.

14 Q. Who pays for the expenses?

15 A. We both do.

16 Q. Do you guys have some sort of
17 understanding how that's divided, how does it
18 work?

19 A. No.

20 Q. Now you said you pay the
21 Southampton mortgage?

22 A. I do.

23 Q. Okay. Outside of your earnings
24 from the Valbella At The Park, do you have
25 any savings?

1 ROSEY KALAYJIAN

2 A. I do.

3 Q. How much do you have in savings?

4 A. None of your business.

5 MR. SEEMAN: Objection.

6 Q. Well, you invested in Oak Grove
7 Road LLC, we are entitled to know where the
8 money came from that you invested in that
9 company so how much do you have in savings?

10 A. I don't know how much I have in
11 savings right now.

12 Q. More or less than \$5 million?

13 A. Less. But not -- I would know
14 about that, no.

15 Q. More or less than \$1 million?

16 A. I don't recall. I don't know.

17 Q. Other than your income from
18 Valbella At The Park, do you have any other
19 income?

20 A. No.

21 Q. So the mortgage, the monthly
22 mortgage on the Southampton house is more
23 than \$12,000 a month, right?

24 A. Right.

25 Q. You don't make enough money before

1 ROSEY KALAYJIAN

2 tax to pay that money, right?

3 MR. SEEMAN: Objection.

4 A. I don't know.

5 Q. So you testified earlier you were
6 paying it, how are you paying it?

7 A. From my bank account.

8 Q. Okay. From your bank account.
9 Where do the funds in that account come from?

10 A. From my savings.

11 Q. So you are paying the mortgage of
12 the Southhampton house with your savings, is
13 that your testimony together?

14 A. Combined with my paycheck.

15 Q. Who buys the groceries in your
16 household?

17 A. I do.

18 Q. Okay. What card do you use to pay
19 for them?

20 A. My credit card.

21 Q. What kind of credit card is that,
22 an AMEX, Visa?

23 A. I don't know. It varies.

24 Q. Is that credit card shared with
25 David?

1 ROSEY KALAYJIAN

2 Park LLC?

3 MR. SEEMAN: Objection. Can you
4 rephrase that.

5 A. Yes, I'm not following.

6 Q. Was all of the money that you and
7 David invested in Oak Grove Road LLC then
8 invested in Valbella At The Park LLC?

9 A. Most, most of it, yes.

10 Q. Why only most and not all?

11 A. We put what was needed at each
12 phase the project.

13 Q. So does Oak Grove Road LLC have
14 money in its accounts?

15 A. Some.

16 Q. Where does Oak Grove LLC bank?

17 A. Bank of America.

18 Q. Anywhere else?

19 A. No.

20 Q. Who has signing authority over Oak
21 Grove Road LLC accounts?

22 A. Only me.

23 Q. Anyone else?

24 A. No.

25 Q. Now, David refinanced the

1 ROSEY KALAYJIAN

2 was so long ago, I honestly don't remember.

3 Q. Is there any reason we would not
4 have the amendment to this agreement that you
5 can think of?

6 A. No.

7 Q. It lists the restaurant for
8 compensation, do you see that?

9 A. Um-hum, yes.

10 Q. And it says Oak Grove manager will
11 receive additional compensation including A,
12 a salary, B, a percentage of the net profits
13 before distribution to the members and, C, a
14 key man insurance policy with the beneficiary
15 to be determined by Oak Grove manager, do you
16 see that?

17 A. Yes.

18 Q. Mr. Ghatanfard receives a salary?

19 A. As stated, yes.

20 Q. Does he receive a portion of the
21 net profits before distribution to the
22 members?

23 A. He hasn't.

24 Q. Why hasn't he?

25 A. I don't know. He hasn't.

1 ROSEY KALAYJIAN

2 Q. Have there been any distributions
3 to the members?

4 A. Yes.

5 Q. Okay. How many times have there
6 been distributions to the members?

7 A. I don't recall the number of times.

8 Q. Okay. More or less than five?

9 A. I don't know.

10 Q. The restaurant has been open for 11
11 months, right?

12 A. Yes.

13 Q. Okay. You don't remember within
14 the last 11 months there have been more or
15 less than five distributions to the members?

16 A. There's been distributions, how
17 many, I don't recall.

18 Q. There's been more than one?

19 A. Yes.

20 Q. When a distribution is made to Oak
21 Grove LLC is that paid into Oak Grove LLC
22 Bank of America bank account?

23 A. Correct.

24 Q. Has that ever been paid anywhere
25 else?

1 ROSEY KALAYJIAN

2 A. No.

3 Q. The money paid at distribution from
4 Valbella At The Park to Oak Grove LLC after
5 it's deposited into Oak Grove account, where
6 has the money gone?

7 A. Reimbursed myself for my
8 investment.

9 Q. Has David Ghatanfard been
10 reimbursed?

11 A. No.

12 Q. When you reimbursed yourself for
13 your investment which account are you
14 reimbursing it to?

15 A. Oak Grove Road is reimbursing me.

16 Q. And how does Oak Grove Road pay
17 you?

18 A. Oak Grove Road pays me from a
19 check, with the check and I deposit it into
20 my bank account.

21 Q. Into your Citi account, right?

22 A. Correct.

23 Q. You said right now you only have
24 one bank account, right?

25 A. Yes.

1 ROSEY KALAYJIAN

2 Q. Do you currently have any
3 investment accounts?

4 A. I do.

5 Q. With which company?

6 A. Charles Schwab. I don't recall all
7 the ones I have.

8 Q. And the profit that comes from
9 Valbella the Oak Grove that you then deposit
10 into your Citi account, some of those
11 proceeds are used to support yours and
12 David's life, correct?

13 A. Correct.

14 Q. Like some of those proceeds are
15 used to pay for the mortgage, correct?

16 A. Yes.

17 Q. The Oak Grove house is mortgage is
18 paid from your Citi account, correct?

19 A. Yes.

20 Q. Do you know how much in total has
21 been distributed to the members?

22 A. I do not.

23 Q. You said you are paying yourself
24 back, if I heard correctly?

25 A. Yes, and I told you earlier you

1 ROSEY KALAYJIAN

2 asked how many distributions, I don't recall
3 the number.

4 Q. You also said you don't know how
5 much you invested now you are saying you
6 don't know how much you paid yourself back;
7 is that right?

8 A. Right, I don't have my bookkeeping
9 with me.

10 Q. You have your own personal record
11 of how much you invested?

12 A. In my -- at my computer at my job,
13 I do.

14 Q. You have a record of how much you
15 have reimbursed yourself, for yourself?

16 A. Yes, at work.

17 Q. Does Oak Grove LLC keep records of
18 how much it's been paid back?

19 A. I don't know. You have to ask my
20 accountant.

21 Q. It says in section 3 that the Oak
22 Grove manager is entitled to a key man life
23 insurance policy, that manager is David
24 Ghatanfard. Are you familiar with that life
25 insurance policy?

1 ROSEY KALAYJIAN

2 A. He doesn't have one.

3 Q. Do you know if a key man life
4 insurance policy was set up for David
5 Ghatanfard?

6 A. I know we did not set one up for
7 him.

8 Q. Do you know why not?

9 A. We just haven't, too busy.

10 Q. I want to clarify, you said the net
11 profits before distribution have been paid to
12 the manager?

13 MR. SEEMAN: Can you repeat that.

14 Q. Has the Oak Grove manager received
15 a portion of the net profits?

16 A. No.

17 Q. So why hasn't Subsection B of 3
18 been fulfilled?

19 A. I don't know.

20 Q. Wouldn't that mean that the members
21 of Valbella At The Park LLC are taking a
22 distribution before the time that they are
23 supposed to be paying David Ghatanfard?

24 MR. SEEMAN: Objection.

25 A. I don't know.

1 ROSEY KALAYJIAN

2 Q. Why are they not fulfilling this in
3 terms of this agreement?

4 A. I don't know.

5 MR. SEEMAN: Objection.

6 Q. Has David Ghatanfard ever
7 complained that Valbella is not fulfilling
8 the term of this agreement, has he ever
9 complained to you?

10 A. Not to me.

11 Q. I mean would it make sense he would
12 forgo his percentage of the net profits that
13 he's entitled to before any distribution?

14 MR. SEEMAN: Objection.

15 A. I don't know.

16 Q. Are you able to make sense right
17 now sitting here today, are you able to make
18 sense of the fact he would forgo any portion
19 of the net profits that he's entitled to
20 before members of the company get paid?

21 MR. SEEMAN: Objection.

22 A. I do not know.

23 Q. Do you have any explanation at all?

24 A. I do not.

25 MR. SEEMAN: Objection.

1 ROSEY KALAYJIAN

2 A. Yes.

3 Q. What was the reason?

4 A. I was grossly underpaid.

5 Q. Who decided to pay you more?

6 A. Management.

7 Q. Who did you go to speak to about
8 that?

9 A. I don't remember exactly who it
10 was.

11 Q. But it wasn't David, right?

12 A. He could have been in the
13 conversation. I don't remember.

14 Q. He was the owner so he did have
15 control over salary of the restaurant?

16 A. Right. I'm assuming he would have
17 to authorize it. I don't remember who I
18 spoke to.

19 Q. Looking at January 2022 page P373
20 on the bottom there's a deposit of \$1.422
21 million, do you see that?

22 A. Um-hum.

23 Q. Do you know what that is?

24 A. I do not remember what that is.

25 Q. Is this a frequent occurrence for

1 ROSEY KALAYJIAN

2 you to deposit 1.4 million into your bank
3 account?

4 A. No, it's not a frequent occurrence.

5 Q. This just happened and you don't
6 know why it happened?

7 A. I just don't remember that
8 timeline.

9 Q. Okay. Did you ask anyone why 1.4
10 million was deposited into your account?

11 A. Again, it's a joint account.

12 Q. Okay. But did you review the
13 statement?

14 A. I might have been.

15 Q. Do you remember if you asked anyone
16 what this deposit was?

17 A. I don't remember if I asked
18 anybody.

19 Q. And then January 12 the entire sum
20 of the deposit is withdrawn, do you see that?

21 A. Yes.

22 Q. Do you know who withdrew it?

23 A. I don't. I don't remember.

24 Q. All right. You are not the one who
25 deposited it, right?

1 ROSEY KALAYJIAN

2 A. I don't recall. I don't know where
3 I was that day.

4 Q. You are saying you may have been
5 the one to deposit it?

6 A. I don't remember.

7 Q. The judge is going to review this
8 transcript. Is your testimony today you
9 don't remember whether you deposited a check
10 for \$1.4 million three months ago?

11 A. It could have been David. It could
12 have been me. I honestly don't remember. I
13 do a lot of banking. I do banking for the
14 restaurant. I do banking for my family. It
15 could have been me. It could have been him.
16 I don't remember.

17 Q. You wouldn't remember if you
18 deposited a check for \$1.4 million?

19 MR. SEEMAN: Objection.

20 Q. Withdrawn.

21 How many times in your life have
22 you deposited a check for more than a million
23 dollars?

24 MR. SEEMAN: Objection.

25 A. I don't remember.

1 ROSEY KALAYJIAN

2 Q. You don't remember how many times
3 you deposited a check for more than a million
4 dollars?

5 A. For me personally or for other
6 people for other people, a couple of times.

7 Q. How many times in your life have
8 you deposited any sort of check that had a
9 dollar amount of more than a million dollars
10 on it?

11 A. I don't recall. I'm not -- I don't
12 look at people's deposit slips when they gave
13 them to me to make deposits, so I don't look
14 at people's numbers.

15 Q. It's simply not believable you
16 wouldn't remember if you deposited a check
17 for \$1.4 million?

18 MR. SEEMAN: Objection.

19 A. That's your opinion.

20 Q. How do you expect me to believe
21 that?

22 A. It's your opinion.

23 MR. SEEMAN: Objection.

24 Q. So if it wasn't you that deposited
25 it it would be David that deposited, right?

1 ROSEY KALAYJIAN

2 A. Possibly.

3 Q. It may have been you, you are
4 saying?

5 A. I just said it could have been me.
6 I don't know, I make deposits for a lot of
7 people. I go to multiple people, I do
8 banking for people, for family, for friends.

9 Q. Okay. Then the withdrawal of \$1.4
10 million you are not the one that withdrew
11 \$1.4 million from the account, right?

12 A. I don't remember.

13 Q. It's possible that you also were
14 the one that withdrew the 1.4 million?

15 A. Anything is possible. I don't
16 remember.

17 Q. I understand you do banking for
18 people and maybe do deposits for them. How
19 frequently in your life have you withdraw
20 more than a million dollars from a bank?

21 A. I don't know.

22 Q. How is it possible that you don't
23 remember if you withdraw \$1.4 million or not?

24 MR. SEEMAN: Objection.

25 Q. You can answer.

1 ROSEY KALAYJIAN

2 A. I don't have a great memory.

3 Q. So it's possible that Mr.
4 Ghatanfard told you about the trial and you
5 just don't remember that, right?

6 MR. SEEMAN: Objection.

7 A. I mentioned earlier.

8 Q. You mentioned earlier what?

9 A. He didn't tell me the details of
10 the trial.

11 MR. SEEMAN: Objection.

12 A. I knew he was going to trial. But
13 I don't know the details.

14 MR. NUSSBAUM: Mr. Seeman, you
15 cannot interrupt the witness in the
16 middle of the answer and say objection.
17 That is out of line. There's no
18 question pending. You have nothing to
19 talk about right now. You cannot
20 interrupt the deposition.

21 A. Why are you yelling? Why are you
22 screaming?

23 MR. NUSSBAUM: Because he's
24 interrupting me. He's objecting in the
25 middle of the answer.